

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/2/12

NECA-IBEW PENSION TRUST FUND  
and DENIS MONTGOMERY, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

-against-

BANK OF AMERICA CORPORATION, *et al.*,

Defendants.

10 Civ. 440 (LAK) (HBP)

ECF CASE

JOINT STIPULATION  
AND [PROPOSED]  
ORDER

10/8

WHEREAS, on February 9, 2012, this Court issued a report and recommendation (the "R&R") in which it recommended that Defendants' motions to dismiss Plaintiffs' first amended complaint ("FAC") be granted in their entirety and that Plaintiffs' application to amend their complaint be denied without prejudice to renewal by way of formal motion [Dkt. No. 54];

WHEREAS, on March 15, 2012, Plaintiff filed a Motion for Leave to File a Second Amended Complaint (the "Motion") before Judge Lewis A. Kaplan [Dkt. Nos. 61-63];

WHEREAS, on March 16, 2012, Judge Kaplan overruled Plaintiffs' objections to the R&R, granted Defendants' motions to dismiss, and noted that "the defendants are free to oppose [the Motion] should they wish to do so, on the ground that the proposed amendment would be futile" [Dkt. No. 65];

WHEREAS, by order dated March 16, 2012, the Motion was referred to this Court [Dkt. No. 64];

WHEREAS, on April 20, 2012, the BAC Defendants and the Underwriter Defendants each served Plaintiffs with briefs in opposition to the Motion;

WHEREAS, Plaintiffs' reply brief is currently due on or before May 18, 2012; and

WHEREAS, Plaintiffs requested and the parties have conferred and agreed to Plaintiffs filing a consolidated 20-page reply brief;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned counsel, that Plaintiffs are permitted to file a consolidated reply brief of no more than 20 pages in response to Defendants' opposition briefs.

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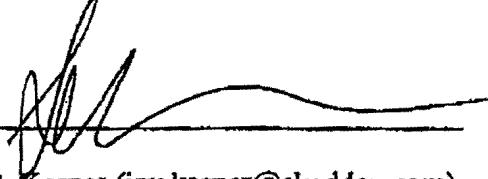
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SO ORDERED:

  
Hon. Henry B. Pitman  
United States Magistrate Judge

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